11th Election District 6th Councilmanic District Robert E. Marx, et ux Petitioners

ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 92-72-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. side yard setback for an open projection (carport), in lieu of the required 7-1/2 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners/property owners, Robert E. and Jane T. Marx, appeared and testified. Appearing as Protestants were Mr. and Mrs. James E. Bratt, the owners of the neighboring property at 8646 Manorfield Road.

Testimony elicited at the hearing was that the subject property is approximately 1/3 of an acre in size and is zoned D.R.5.5. The property is improved with a split level frame dwelling with an open deck to the rear. Vehicular access to the property is by way of a concrete driveway which extends from Manorfield Road to the side of the dwelling.

Mr. and Mrs. Marx testified that they previously retained a contractor to construct a carport at the end of the driveway. This carport was desired so that they would have a place where their cars could be parked and protected from the elements. When the contractor was retained, the Petitioners testified that they were assured that the carport would be constructed under the purview of a lawful permit and in compliance with

all existing zoning regulations. However, after completion of the carport, they were advised that the contractor did not obtain a permit and that the subject variance was necessary.

Mr. and Mrs. Bratt, the Petitioners' next door neighbors, appeared in opposition. They indicated that they did not wish the carport to be torn down, however, they did object to same. Their main objections centered on the increased sound which vibrated through their house when the Marx's vehicles were running while in the carport, the unsightly appearance of those vehicles and the stone gravel driveway extension.

The evidence has been carefully considered, including not only the testimony of the witnesses, but the photographs and drawings. Although the Protestants do not wish the carport to be removed and only desire restrictions upon its use, it is this writer's opinion that any such restrictions would be unenforceable. Nonetheless, it is hoped that the parties, both of whom obviously appeared with best intentions, will work together for the enhancement of their enjoyment of their respective proper-

Based upon the testimony and evidence presented at the hearing, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. The evidence in the record is persuasive that the subject variance will not adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

30

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of Cot., 1991 that a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 1 ft. side yard setback for an open projection (carport), in lieu of the required 7-1/2 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

2. There shall be no service garage work performed within the carport or on the subject property at any time.

-3-

Zoning Commissioner for Baltimore County

LES/mmn

cc: Peoples Counsel

and described as follows, that is to say:

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

October 22, 1991

Mr. and Mrs. Robert E. Marx 8648 Manorfield Road Baltimore, Maryland 21236

> RE: Petition for Zoning Variance Case No. 92-72-A

Dear Mr. and Mrs. Marx:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

LES:mmn

cc: Peoples Counsel

cc" Mr. and Mrs. James E. Bratt

HAT SPECIAL SOMEON

## **CERTIFICATE OF PUBLICATION**

THIS IS TO CERTIFY, that the annexed advertisement was publish ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md. once in each of successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zehe Olman

The Zinning Commissioner of g Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, to-cated at 111 W. Chesapeake Avel enue in Towson, Maryland 21204 as follows: Case Number: 92-72-A W/S Manorfield Road, 195 S of c/I Silver Spring Road 8648 Manorfield Road Land Brack Company (1997) Amongin on man us design and mignosek call. Demand call. Zoning Commissioner of Baltimore County N/J/9/084 September 12.

## CERTIFICATE OF PUBLICATION

public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 Case Number: 92-72-A W/S Manorfield Road, 19t S of c/l Silver Spring Road 8648 Manorfield Road 11th Election District 6th Councilmanic Patitioner(s): Hearing Date: Tuesday Oct. 15, 1991 at 2:00 p.m Varience: to allow a 1 foot side yard setback in lieu of the re-quired 7.5 feet for an open projec-

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive

weeks, the first publication appearing on \_\_\_\_\_\_\_, 19\_\_\_\_

5. Zefe Orlow

Petition for Variance to the Zoning Commissioner of Baltimore County 92-72-/ The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 301.1 To A LLOW A 1'SIDE YARD SETISTICK WHEN OF THE REQUIRED 7.5' FOR AN OPEN PROTECTION. (CARPOUT) INA DR.S.S. ZONG. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Practical D. St. culty & Perisonal HARDSHID SEC DITACHED Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: ROBERT E MARX (Type or Print Name)
Robert & Marx JANE T. MARX Jun Ment Attorney for Petitioner: 8648 MANORFIELD RD BALTIMORE MD 21236 Name, address and phone number of legal owner, con-

65

ROBERT E. MARX + Jane Tress Name 529-345/ Marx

ESTIMATED LENGTH OF HEARING (-1/2HR) +1HR.

AVAILABLE FOR HEARING

MON./TUES:/WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: 570 DATE 8-12-91

8648 MANORFIELD RD

Practical Difficulty: was logical to put the carport on this side of the house because the driveway was already existing and front door and walkney are on side of the house. Hardship The bachyard of the property has a water problem. At times, if 0\_0 the rain is heavy, the bachyard floods, sometimes as high as one foot deep 2) This structure will protect the cars from snow, ice and the elements. Also, with one child under 5 years of age and a second child on the way, it will be safer and easier getting them in and out of the car during inclement weather, packing the car

and also for

of all neccesary baby supplies.

among the Land Records of Baltimore County in Plat Book OTG No. 55, folio 52. The improvements thereon being known as No. 8648 Manorfield Road. 92-12-A Albert F. Morx, et 4x Location of property: 14/3 Money Fuld Rd. 195' 3/3/16- 3pring Rd Location of Signer Facing Manua Field Rt opposed 15 Fr. readway, on fin ferly of Paletraner Date of return: 19-1/9/ \*\*\*\*\*\*\*\*\*\*

Ember of Signet

BEING KNOWN AND DESIGNATED as Lot No. 1, Block F, as shown on the Plat entitled

Section Two, Plat 4, Final Plan Section Two and Resubdivision of Part of Blocks C 7 & D Section One OTG 35, folio 83, Hallfield Manor, which Plat is recorded

THE JEFFERSONIAN.

Account: R 001 6150

The Application of the FEES. y one organistic states 1010 000 000 HOS MORE DE DWINERS DEACT

Cashier Validation

111 West Chesapeake Avenue

Towson, MD 2120+

thier Validation

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Aven
Towson Maryland 21204 Zoning Commisioner 111 West Chesapeake Avenue Towson Maryland 21204

Account: R-001-6150

与李帝的李章的主命《新门台册题图 SA 2001 1900 (1) (0 0)
Please Make Checks Payable To Batter ore County

Baltimore County Government

Office of Zoning Administration and Development Management

Office of Planning & Zoning

Your petition has been received and accepted for filing this

Zoning Plans Advisory Committee

12th day of August, 1991.

Petitioner: Robert E. Marx, et ux

Petitioner's Attorney:

887 3353

Office of Zoning Administration and Development Management Office of Planning & Zoning

- 111 West Chesapeake Avenue

Towson, MD 2120 (

CASE NUMBER: 92-72-A 8648 Manorfield Road

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

DATE: 3/5/

Baltimore County Government

Robert and Jane Marx 8648 Manorfield Road Baltimore, Maryland 21236

W/S Manorfield Road, 195' S of c/l Silver Spring Road 11th Election District - 6th Councilmanic Petitioner(s): Robert E. Marx, et ux HEARING: TUESDAY, OCTOBER 15, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 56.7/ is due for advertising and posting of the above captioned

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s)

BALTIMORE COUNTY, MARYLAND

Arnold Jablon, Director DATE: September 13, 1991 Zoning Administration and Development Management

INTER-OFFICE CORRESPONDENCE

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53 Smith Property, Item No. 64 McClure Property, Item No. 65 Boehnlein Property, Item No. 66 Marx Property, Item No. 68 Buie Property, Item No. 69 Pulaski Property, Item No. 70 Wollschlager Property, Item No. 72 Bray Property, Item No. 74 Graves Property, Item No. 75 Sylvia Property, Item No. 76 Long Property, Item No. 78 Pearl Property, Item No. 79 Casey Property, Item No. 80 Edwards Property, Item No. 81 Tyson Property, Item No. 85 Skidmore Property, Item No. 88 Williams Property, Item No. 89 Restivo Property, Item No. 90 Didier Property, Item No. 97 Wesolowski Property, Item No. 102 Griffin Property, Item No. 103 Burgwin Property, Item No. 104 Ghent Property, Item No. 110 Lingg Property, Item No. 111 Bates Property, Item No. 112

In reference to the Petitioner's request, staff offers no comments.

provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

THE West Chesapeake Avenue Lowson, MD 2120+

AUGUST 23, 1991

88 3353

NOTICE OF HEARING

The Zoning Communissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-72-A W/S Manorfield Road, 195°S of c/l Silver Spring Road 8648 Manorfield Road 11th Election District - 6th Councilmanic Petitioner(s): Robert E. Marx, et ux HEARING: TUESDAY, OCTOBER 15, 1991 at 2:00 p.m.

Variance to allow a 1 foot side yard setback in lieu of the required 7.5 feet for an open projection

Baltimore County

cc: Robert E. Marx, et ux

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

HTI West Chesapeake Avenue Towson, MD 2120+

88 1 3353

October 1, 1991

Mr. & Mrs. Robert E. Marx 8648 Manorfield Road Baltimore, MD 21236

> RE: Item No. 68, Case No. 92-72-A Petitioner: Robert E. Marx, et ux Petition for Variance

887 3353

Dear Mr. & Mrs. Marx:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 4, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, F.E.

RE: Zoning Advisory Committee Meeting for August 27, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 53, 62, 64, 65, 66, 68, 70, 71, 72, 75, 76, 77, 78, 79 and 80.

For Item 67, this site must be submitted through the minor subdivision process for review and comments.

For Item 69, if maintenance or repair is required on the existing 15-inch drain along the east property line, Baltimore County may require the removal of the car port at the owner's expense.

For Item 74, this site is subject to the previous minor subdivision comments.

Jevelopers Engineering Division

 $\mathtt{RWB} \colon \boldsymbol{z}$ 

(301) 887-4500

700 East Joppa Road. Suite 901 Towson, MD 21204-5500

SEPTEMBER 16, 1991

Baltimore County Government

Fire Department

Arnold Jablon Director 7oning Administration and Development Management Baltimore County Office Building Towson, MD 21204

PE: Property Owner: Location:

#8648 MANONFIFLD ROAD

Item No.: 68 7oning Agenda: AUGUST 27, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

POPERT E. MARX

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Planning Group

Approved

Figure 1 Special Inspection Division

JP/KEK

Bond Property, Item No. 115

If there should be any further questions or if this office can

ITEM47/TXTROZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

September 27, 1991 ZONING COMMISSIONER, DEPARTMENT ZONING

RICHARD F. SEIM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

ZONING ITEM #: 68 PROPERTY OWNER: Robert E. Marx, et ux

LOCATION: W/S Manonfield Road, 195' S of centerline Silver Spring Rd. (#8648 Manonfield Road0 ELECTION DISTRICT: 11th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

COUNCILMANIC DISTRICT: 6tj

( ) PARKING LOCATION ( ) NUMBER PARKING SPACES ( ) RAMPS (degree slope) ( ) CURB CUTS . ( ) SIGNAGE

( ) BUILDING ACCESS (V) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 ( BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 3, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration

and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

7.A.C. MEETING DATE: August 27, 1991

This office has no comments for item numbers 53, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and 80.

Traffic Engineer II

RJF/lvd

92-12-A

PETITIONER'S EXHIBIT#



Carport Showing Both Houses



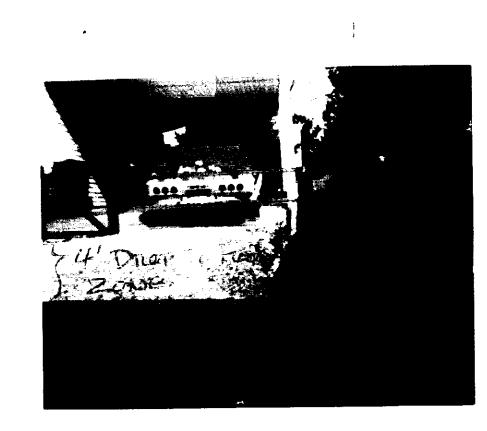
Carport Seen From Front

92-72-A

PETITIONER'S EXHIBIT#



Carport Seen From Street



Carport Seen From Rear

8046 MANERFIELD Rd -Mr. 4 Min James Broth BALTO MD 31236 PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET Mr+Mrs Robert E. Marx 8648 Manosfield Rd Balto Ud 2 1236 Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: 8648 WANCEFIELD RD See pages 5 & 6 of the CHECKLIST for additional required Information Subdivision name: HALCFELD MANOR
plat book# 36, folio# 52, lot# \_\_\_\_, section# 2 BACK OF Luck to by Hoose Freine Silve OWNER: ROBERT E. + JANE. T. MARX ディストン 573°30'40"E 110.00. \_ . - - - scale: 1'=1000' LOCATION INFORMATION Councilmanic District: ( Election District: 1=200' scale map#: NE 96 Zoning: DR-5.5 Lot size: 7672.5 40 FAT square feet SEWER: E Private WATER: 🛛 🗌 Prior Zoning Hearings: NONE date: 8-1291 Scale of Drawing: 1"= 30' prepared by:

PROTESTANT(S) SIGN-IN SHEET

NAME JAMES E. BRATT

PLEASE PRINT CLEARLY

